REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. By this Amendment, Figs. 1a and 1b, and claim 4 are amended.

The Patent and Trademark Office (PTO) objects to Fig. 1a and 1b based upon informalities. Figs. 1a and 1b are amended to obviate the objection. Specifically, Fig. 1a and 1b have been designated by the legend, "Prior Art." Accordingly, withdrawal of the objection to the drawings is respectfully requested.

The PTO rejects claims 1-6 under 35 U.S.C. 103(a) as being as obvious over Applicant's Admitted prior art (AAPA) in view of Calhoun et al. (US 5,017,255). This rejection is respectfully traversed, and as presented below, are believed to be patentable over the applied art for the failure of the applied art to not only disclose, teach or suggest all of Applicants' recited claim features, but in addition fails to present any apparent reason to combine references or modify prior art to create the Applicants' allegedly obvious claim elements.

First, the disclosures of AAPA and Calhoun, taken as a whole, do not suggest Applicants' claimed device.

Regarding the 103 rejection of claim 1, the PTO asserts that AAPA, i.e., paragraphs [0003-0007] and Figs. 1a and 1b, discloses all elements of claim 1 except for "a buffer layer formed on an upper surface of the lower substrate to have a plurality of shapes with air gaps defined between each of said shapes and spaced apart from each other at regular intervals." The PTO relies upon Calhoun to remedy the deficiencies of

AAPA, asserting that Calhoun and the AAPA are analogous art because they are from the same field of endeavor.

The PTO further asserts that Calhoun provides the motivation for combining the references is provided by at column 1, lines 66-67, which states that a need exists "for a method of forming a pattern of multilayered inorganic films on a substrate that does not involve etching and can be carried out at high production rates." Applicants respectfully disagree with both the Examiner's assertions that Calhoun and AAPA are analogous art and that the cited passage provides motivation to combine the teachings of Calhoun with those of AAPA.

First, the disclosures of AAPA and Calhoun, taken as a whole, do not suggest Applicants' claimed device. The recesses disclosed by Calhoun are distinguished from the recited air gaps in aspects of effect, construction, and purpose. Claim 1 recites, *inter alia*, a buffer layer formed on an upper surface of a lower having a plurality of shapes with "air gaps defined between each of said shapes and spaced apart from each other at regular intervals." The purpose of these air gaps is for relaxing stress (*see* amended claim 4) and to allow an upper substrate to be easily separated from the lower adhesively attached lower substrate.

Calhoun, on the other hand, relates to a method of forming a transferable pattern or image of an inorganic film by coating an embossed substrate (10) with an inorganic layer (22, 24) over both recessed (16) and raised surface portions (14), adhesively (30) laminating a transfer substrate (40) to the inorganic layer (22) coating the raised surface portions of the embossed substrate and separating the embossed substrate (10) and the transfer substrate (40) (*see* Abstract and Figs. 1-4).

In other words, the recesses of Calhoun are *not* air gaps, as recited in claim 1, but are the recessed portions of the embossed substrate. Without the recesses there is no embossed surface, and therefore, the recesses are not formed to reduce production cost, as asserted by the Examiner, but are necessary structures.

Further disclosure indicating that Calhoun's "recesses" are unrelated to the recited air gaps is provided by Figs. 8-10 of Calhoun and described in column 4, lines 14-18, wherein the gaps are actually filled. Indeed, unlike the Applicant's "air gaps," which are integral to the recited invention, Calhoun discloses wherein a "second inorganic layer 82 is deposited within the recesses of the embossed substrate 10 such that the second inorganic layer 82 is substantially flush with the raised surface portion 14 of embossed substrate 10." (Emphasis added).

Based upon the above disclosure, Applicants respectfully submit that not only does the asserted combination of references fails to disclose, teach or suggest at least the recited air gaps of Applicants' recited claim features, Applicants further submit that in failing to disclose air gaps, the asserted combination of references present no apparent reason to combine references or modify prior art to create the Applicants' allegedly obvious claim elements. Therefore, Applicants respectfully submit that independent claim 1 is allowable over AAPA and Calhoun.

All objections and rejections have been addressed. In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance and favorable reconsideration and prompt allowance of claims 1-6 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to

contact the undersigned at the telephone number set forth below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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